



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Manthorpe *et al.*

Appl. No.: 09/839,574

Filed: April 23, 2001

For: **Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics**

Confirmation No.: 1437

Art Unit: 1635

Examiner: Schnizer, R.A.

Atty. Docket: 1530.0180002/EKS/AES

**Seventh Supplemental Information Disclosure Statement**

**Under 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Seventh Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Third Supplemental Information Disclosure Statement filed on December 23, 2002 in connection with the above-captioned application. This Seventh Supplemental Information Disclosure Statement is supplemental to an electronic Sixth Supplemental Information Disclosure Statement filed the same day. Any fee necessary for consideration of this Seventh Supplemental Information Disclosure Statement has been authorized or otherwise submitted with the electronic Information Disclosure Statement.

Copies of the documents are submitted herewith.

The Examiner's attention is directed to the following co-pending, related applications:

U.S. Application No. 10/202,858, inventors Felgner *et al.*, filed July 26, 2002, now published as U.S. Publication No. 2003/0032615 A1, a copy of which was filed electronically on September 8, 2004;

U.S. Application No. 10/360,645, inventors Wolff *et al.*, filed February 10, 2003, now published as U.S. Publication No. 2003/0186913 A1, a copy of which was filed electronically on September 8, 2004;

U.S. Application No. 10/391,216, inventor Wheeler, C.J., filed March 19, 2003, now published as U.S. Publication No. 2003/0191082 A1, a copy of which was filed electronically on September 8, 2004;

U.S. Application No. 10/127,683, inventors Hobart *et al.*, filed April 23, 2002, now published as U.S. Publication No. 2003/0203863 A1, a copy of which was filed electronically on September 8, 2004;

U.S. Application No. 10/725,009, inventor Geall, A., filed December 2, 2003, now published as U.S. Publication No. 2004/0157789 A1, a copy of which was filed electronically on September 8, 2004;

U.S. Application No. 09/937,604, inventor Wheeler, C.J., which is the U.S. National Phase of International Appl. No. PCT/US00/08282 (WIPO Publication No. 00/57917 A2), having a 35 U.S.C. § 371 date of September 26, 2001, now allowed (Document **AL4**);

U.S. Application No. 08/486,533, inventors Felgner *et al.*, filed June 7, 1995, now allowed (Document **AS12**);

U.S. Application No. 09/478,457, inventors Wolff *et al.*, filed January 6, 2000, now pending (Document **AT12**);

U.S. Application No. 10/658,688, inventor Hermanson, G.G., filed September 10, 2003, now pending (Document **AR13**);

U.S. Application No. 10/725,015, inventors Geall *et al.*, filed December 2, 2003, now pending (Document **AS13**);

U.S. Application No. 10/738,986, inventors Hermanson *et al.*, filed December 19, 2003, now pending (Document **AT13**);

U.S. Application No. 10/748,853, inventor Wheeler, C.J., filed December 30, 2003, now pending (Document **AR14**);

U.S. Application No. 10/843,656, inventors Vilalta *et al.*, filed May 12, 2004, now pending (Document **AS14**); and

U.S. Application No. 60/571,854, inventors Luke *et al.*, filed May 18, 2004, now pending (Document **AT14**);

which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver if secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

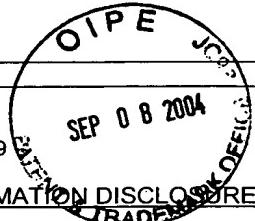


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Date: September 8, 2004

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FORM PTO-1449

SEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
ATTY. DOCKET NO.  
1530.0180002/EKS/AESAPPLICATION NO.  
09/839,574FIRST NAMED INVENTOR  
Manthorpe et al.FILING DATE  
April 23, 2001ART UNIT  
1635**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
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**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL4	WO 00/57917 A2	10/05/2000	WIPO			Yes No
AM						Yes No
AN						Yes No
AO						Yes No
AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR			
AS	12		Copy of Co-Pending U.S. Patent Application No. 08/486,533, Felgner et al., filed June 7, 1995 (NOT PUBLISHED)
AT	12		Copy of Co-Pending U.S. Patent Application No. 09/478,457, Wolff et al., filed January 6, 2000 (NOT PUBLISHED)

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 SEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 1530.0180002/EKS/AES	APPLICATION NO. 09/839,574
		FIRST NAMED INVENTOR Manthorpe et al.	
		FILING DATE April 23, 2001	ART UNIT 1635

## U.S. PATENT DOCUMENTS

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FORM PTO-1449

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STATEMENT

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	AL						Yes No
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	AO						Yes No
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AR	<u>14</u>	Copy of Co-Pending U.S. Patent Application No. 10/748,853, Wheeler, C.J., filed December 30, 2003
AS	<u>14</u>	Copy of Co-Pending U.S. Patent Application No. 10/843,656, Vilalta <i>et al.</i> , filed May 12, 2004 (NOT PUBLISHED)
AT	<u>14</u>	Copy of Co-Pending U.S. Patent Application No. 60/571,854, Luke <i>et al.</i> , filed May 18, 2004 (NOT PUBLISHED)

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